

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ORDER OF COURT

AND NOW, this 5th day of August, 2014, upon consideration of the Court's March 25, 2014 Order of Court, wherein the Court stayed the petitions on supervised release pending a ruling by the Court of Appeals on Defendant Frederick Banks' appeal of the Judgment entered against him for supervised release violations at Criminal Number 04-176, the various motions filed by Defendant Banks during the period of the stay, (Docket Nos. [600], [603], [605], [606], [608], [609], [613], [614], [615], [616], [623], [624], [626], [627]), and the responses and Status Reports filed by the Government, (Docket Nos. [604], [607], [610], [611], [618], [620], [622], [625]),

IT IS HEREBY ORDERED that Defendant Banks' Motions (Docket Nos. [600], [603], [605], [606], [608], [609], [613], [614], [615], [616], [623], [624], [626], [627]), are DENIED, as follows:

1. Defendant's Motions are DENIED, as partially moot and otherwise without merit to the extent that he seeks to dismiss the arrest warrant against him, challenges the U.S. Magistrate Judge's decision to deny his request for bail in November of 2013, seeks bail pending his appeal of the Judgment entered against him in Criminal No. 04-176,

contests the sufficiency of the evidence presented to the Court in Criminal No. 04-176 and/or the evidentiary rulings by Chief Judge Conti in that case, such motions having been ruled upon by Chief Judge Conti (Cr. No. 04-176, Docket Nos. 762, 763);

2. Defendant's Motions are DENIED insofar as he challenges the conditions of his present confinement in the Northeast Ohio Correctional Center as this Court is without jurisdiction to review Banks' complaints about the prison conditions, which sound in habeas, 28 U.S.C. § 2241 and are the subject of lawsuits Banks appears to be presently litigating in the United States District Court for the Northern District of Ohio.
3. Defendant's Motions are DENIED to the extent that he seeks to disqualify the U.S. Attorney's Office for the Western District of Pennsylvania as there is no legal basis for the suggested disqualification.
4. Defendant's motions are DENIED insofar as he seeks the Court to presently lift the stay of this matter, and schedule a revocation hearing because although the Court of Appeals has issued its Opinion on July 11, 2014, affirming the Judgment entered by Chief Judge Conti and the sentence imposed, it has not yet entered Final Judgment and/or its Mandate in the appeal of Banks' case filed at Criminal Number 04-176. Thus, the stay remains appropriate until the Court of Appeals ruling becomes final.
5. Finally, the parties are advised that, at the appropriate time, the Court will issue an Order scheduling a violation hearing in this matter and setting forth the procedures for same, including for the Government's submission of the record from the proceedings at Criminal Number 04-176, upon which it has asserted it intends to rely at the violation hearing and any necessary briefing. The Court's prior Order directing

the Government to file periodic status reports remains in full force and effect.

s/Nora Barry Fischer

Nora Barry Fischer

United States District Judge

cc/ecf: All counsel of record
Assistant U.S. Attorney Robert Cessar

cc: Frederick H. Banks
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